Article 2d. If the commanding officer of any regiment, buttalion or extra battalion shall neglect or refuse to give orders for assembling his regiment, battalion or extra hattalion, at the times which may be appointed under this act, at the direction of the inspector of the brigade to which he belongs, when the inspector is thereto commanded by his commanding officer; or in case of an invasion, or threatened invasion, or insurrection, or threatened insurrection, of the state therein, he shall be cashiered, or fined five hundred dollars, at the discretion of a brigade court martial; and if the commanding efficer of any company shall on any such occasion neglect or refuse to give orders for assembling the company to which he belongs, or any part thereof, at the direction of the commanding officer of the regiment, battalion or extra battalion, to which such company belongs, he Bhall be cashiered, or punished by a fine not exceeding one handred dollars, at the discretion of a regimental court martial: and a noncommissioned officer offending in such case shall be fined at the discretion of a company court-martial in any sum not exceeding twenty

Art. 3d. If any captain or commanding officer of a company, shall refuse or neglect to make a list of the persons notified to perform any tour of duty, and send or convey the same to the commanding officer of the regiment, or extra battalion to which such company may belong, for such neglect or refusal he shall be cashiered, or fined at the discretion of a regimental court martial, a sum not exceeding one hundred dollars nor less than five dollars.

Art. 4th. Every general court martial shall consist of not less. than five nor more than thirteen members, one of whom at least shall be a general officer, and none under the grade of a field officer.

Art. 5th. Every division court martial shall consist of not less than five nor more than thirteen members, two thirds of whom at least shall be field officers.

Art, 6th. Every brigade court martial shall consist of not less than five, nor more than members, at least one third of whom shall be field officers.

Art. 7th. Every regimental court martial shall be composed of not less than three nor more than seven commissioned officers.

Art. 8th. Every extra battalion court-martial shall consist of not less than three nor more than seven commissioned officers.

Art. 9th. Every company court martial shall be composed of one subaltern officer, one non-commissioned officer and one private, to be appointed by the commanding officer of the company, and in case there should be no subaltern or non commissioned officer attached to said company, then the captain shall apply to the commanding officer of the battalion, regiment, or extra battalion, to which he may be attached, who shall, within ten days after such application, order a commissioned or non-commissioned officer, or both, as the case may require, of a neighboring company, to repair to a convenient place designated by the captain, in whose district the delinquent resides, who shall ther and there hold a courtmartial in the same manner as if they were attached to said compa-

Art. 10th. In every court-martini, except company courts-niartial, a majority of the members appointed on the court shall be cuffi- martial, a suitable person to act as cient to form a quorum, and in ev- judge advocate.

ry company, or other court-martial, not less than two-thirds of the members must agree in every septence for inflicting any penalty, otherwise the person charged shall be acquitted, except in case of fines, where a majority shall be sufficient.

Art. 11th. The president of each and every court-martial shall require all witnesses produced on the trial of offenders to declare, on onth, or affirmation, (as the case may be) that the evidence they shall give shall be the truth, the whole truth, and nothing but the truth; and the members of all such courts shall take an oath, or affirmation, which the president is required to administer to them. as follows: " You, and each of you, do swear, or affirm, (as the case may be) that you will well and truly try, and impartially determine, all causes to be tried by this court, according to the rules for regulating and governing the militia of the state of Maryland: so help you God;" and the president shall take the same oath, to be administered by any member of the court-mar-

Art. 12th. That the president of very court-martial authorized by this act, shall have power and authority to issue subparnus to procure the attendard of witnesses to give testimony before such respecive court-martial, and every courtmartial shall have power and authority to issue attachment, directed to such persons as they may appoint, against all and every person er persons who without a reasonaexcuse, shall neglect or refuse, on being duly served with a summons issued by the president of the court-martial, to attend for the purpose of giving evidence in any cause therein pending, and fine such person any sum not exceeding twenty dollars.

Art. 13. No commissioned officer charged with transgressing these rules shall be suffered to do duty in the brigade, regiment, battalion or company, to which he belongs, nor to resign his commission. until he has had his trial by a court martial; and every person so charged shall be tried as soon as a court martial can conveniently be assembled, and shall be furnished by the adirtant-general, the brigade-inspector, adjutant of the reciment, or other person, (as the case may require) with a copy of the energe or charges exhibited against him, at least ten days before his trial, that he may have an opportunity to prepare his defence; and in case any delinquent, being duly rotifie of the time and place of meeting o any such court-martial, who shall refuse or neglect to attend, the said court-martial is authorized and empowered to proceed to the trial of such delinquent in the same manner as if he were personally present.

Art. 14th. If any officer or private shall think himself injured by the commanding officer of the regi ment or extra battalion, and shall upon due application made to such commanding officer be refused redress, he may complain to the brigadier general, who, on finding that the person complained of has violated this law, shall direct the inbrigade court-martial that justice may be done to such officer or pri-

Art. 15th. If any non-commissioned officer, or private, shall think himself injured by his captain, or other superior officer of the regiment, extra battalion, or company, to which he belongs, he may complain to the commanding officer of the regiment, or if an artillerist, to the brigadier general, or com-manding officer of his brigade, who on finding that the person com-plained of has violated this law, shall summon a regimental court martial for doing justice according to the nature of the case.

Art. 16. That every general court-martial shall be appointed by the commander in chief; every division court-martial by the commanding officer of the division; every brigade court-martial by the commanding officer of the brigade; every regimental court-martial by the commanding officer of the regiment; every extra battalion courtmartial by the commanding officer of the extra battalion; and every company court-martial by the commanding officer of the company, except in the case stated in the ninth article; and the commanding officer appointing any court-martial shall appoint the president thereof; and except in case of company courts-

Art. 17th. The militia on any day of exercise may be detained under arms in the field any time not exceeding six hours; provided they are not kept above three hours under arms at any one time without allowing them proper time to refresh themselves.

16. And be it enacted, That any officer summoned to attend as a member of a general or division court-martial, who shall refuse or neglect to attend at the time and place appointed, shall be fined in a sum not exceeding one hundred dollars, nor less than twenty-five dollars, unless he cangiva reasonable excuse to the court for such non-attendance; and any officer summoned to attend as a member of a brigade court-martial, who shall refuse or neglect to attend at the time and place appointed, shall be fined in a sum not exceeding fifty dollars, nor less than ten dollars, unless he can give a reasonable excuse; and any officer summoned to attend as a member of a regimental or extra battalion court-martial who shall refuse or neglect to attend at the time and place appointed, shall be fined in a sum not exceeding thirty dollars, nor less than five dollars, unless he can give a reasmable excuse; and any officer summoned to attend as a member of a company court-martial, who shall refuse or neglect to attend at the time and place appointed, shall be fined in a sum not exceeding ten dollars, nor less than two dollars. untess he can give a reasonable excuse; and any non-commissioned officer or private, summoned to attend as a member of a company court-martial, who shall refuse or neglect to attend at the time and place appointed, shall be fined in a sum not exceeding five dollars, nor less than one dollar, unless he can give a reasonable excuse; and said times shall be collected under such regulations, and on such conditions as other fines of a similar descrip-

tion by this act directed. 17. And be it enacted, That each brigadier general is hereby required, ander the penalty of two hundred dollars for every neglect or refusal, and under the direction of the major general of his division, to order, in each and every year hereafter, at least two meetings of the officers of his brigade at some central place, and there drill and instruct said officers for at least five days at each meeting, in all the necessary duties of a soldier, in such manner, and subject to such rules and regulations, as the major general of his division shall prescribe; and the first Monday in the month of May, and last Monday in the nfonth of August, are hereby appointed to be the periods at which such meetings shall be held; and any officer refusing or neglecting to attend said meetings, shall be fined, -at the discretion of a brigade courtmartial, not less than ten nor more than one hundred dollars, or may be proceeded against as for a breach of orders.

18. And be it enacted, That each brigadier general, or commanding officer of a brigade, shall appoint a day for the meeting and exercising of each battalion of his brigade, in the month of May next, and shall Iso appoint a day for the meeting, exercising and inspection in the month of September next, of each regiment and extra battalion, so that it shall be in the power of the brigade inspector to attend to inspect the same; and it shall be the duty of the brigade inspector to give notice to the commanding officers of regiments and extra battalions, composing the brigade to which he belongs, of the days so appointed, at least forty days previous thereto; which days, when so appointed, shall continue to be the days of meeting, of the regiments and battalions annually, unless otherwise ordered by the brigadier or commanding officer of the brigade; and if any brigade inspector shall neglect to give the notice aforesaid to the commanding officers of regiments and extra battalions, or shall neglect to attend the several regimental and extra battalion meetings, as by this act is directed, or if attending, shall fail to inspect the same, and make report thereof, as directed by the commanding officer of the brigade, he shall for every such neglect, be fined a sum not more than one hundred adollars, at the discretion of a brigade courtmartial; and the commanding officers of regiments, shall, within eight days thereafter, annually, causa a like notice to be given to the majors or commanding officers of battalions, under the penalty of

at the discretion of a brigade court. martial; and the majors or commanding officers of battalious, or extra battations, shall within ten days thereafter, annually, cause a like notice to be given to the cap regard to the simulion of the tains, or commanding officers of companies, under the penalty of a vause the said officers, when sum not exceeding fifty dollars, at the discretion of a brigade courtmartial; and the captains or commanding officers of companies shall cause a notice to bo given to each commissioned, non-commissioned officer and private, composing their companies, at least three days provious to the days of meeting, under the penalty of a sum not exceeding twenty-dollars, at the discretion of a regimental court-martial. 19. And be it enacted, Thategeh

commanding officer shall appoint four days for the meeting and exercising of his company, between the first day of March, and the first day of December, in each and every year, who shall be notified thereof, and the said companies shall meet and be exercised on the days so appointed, and it shall be the duty of every commanding officer of a company to appoint a fit and proper person, who shall at the end of one hour after the time appointed for the meeting of the company (except when onfield days he may be prevented by the orders of the commanding officer, until the battalion or regiment is dismissed) call over the muster roll of the company, noting those who are absent, and on that day, or within three days thereafter, shall make return, in writing, of each absentee, to the commanding officer of the company.

20. And be it enacted, That if any commissioned officer, whose duty it shall be to attend, shall refuse or neglect to attend any of said meetings, or attending, shall refuse to do the duties of his station, he shall be arrested and fined, at the discretion of a regimental courtmartial, not less than two dollars, nor more than twenty, for every offence, unless he can give a reasonable excuse to his commanding officer; and if any person belonging to the militia, whose duty it shall be to meet and muster under the provisions of this act, shall neglect to attend any of the said meetings, or attending shall refuse to de the duties of his station, or shall depart from the parade without being duly discharged, such person, if a non-commissioned officer or private, shall at the discretion of a company court-martial, be fined a sum not less than two nor exceeding fifteen dollars. 21. And be it enacted, That dur

ing the continuance of the present war, the generals commanding divisions of the militia of this state, shall be and are hereby 'authorised and empowered, to call out the militia composing their respective divisions, or any part or parts thereof, for training and exercise, as often, and at such times during the year, and at such places, as they may judge proper, having respect to the season of the year, the local situation, and other circumstances of the several brigades, regiments, battalions, squadrons, companies, and troops, and the state of public affairs as respects the danger of invasion; and the necessity for my invasion, and the necessity for pre- sum not less than two dallers, paration, in each section or district exceeding ten, in the discretion of country; provided that no person shall be obliged to attend any of the said calls at a greater distance from home than will permit him to come to the place of meeting, attend to the exercises appointed and return home in the same day and all persons, officers, or others liable to militia duty, and failing to attend any of the said meetings after due notice thereof, without some sufficient excuse, shall be proceeded against by a court-martial, and fined or otherwise punished, in the same manner as is or may be provided by law, for neglect or refusal to attend at any of the meetings now appointed or authorised by law, for the training and exercise of the militia, and in case of officers may also be proceeded against as for disabedience to orders; and the officers attending shall respectively instruct, train and discipline, the troops under their command, in person, each performing the duties of his station, on pain, in case of neglect or refusal, of being proceeded against by arrest and court-martial, as for disobedience of orders.

ing the continuance of the present war the generals commanding divisions of the militia of this state, shall be, and hereby are authorised a suin not exceeding fifty dollars, and empowered to, appoint and

shall deem most convenier sons to attend at each place, a sembled, to be trained and instru ed in military discipline, and duties of their respective station provided that no company of shall be obliged to attend my meetings without the limit of own regiment, and no field of without the limits of his own to attend any such meeting excepts aforesaid, after being duly hold thereof, shall be liable to be pt. ceeded against by arrest and conmartial as in other cases of the bedience of orders; and the training and instruction shall be ducted by such officers, and econ ing to such rules and regulation as the generals commanding dis

ons shall respectively appoint prescribe. 23. And be it enacted, That he ing the continuance of the press war, each general commandia division of the militia of this said shall be, and bereby is authorise and empowered, to require then spector of his division, and his sistant severally to attend the meet ings of the militia and officers of such division, to be called and a pointed by virtue of this act, is instruction, training and discipling, and to instruct the officers, and in spect, train, instruct and discipling the militia at such meetings, fra ant to such system as may be primulgated under and by virte of this act, and until such system shall be so promulgated, pursuint to such ruies, regulations and introtions for discipline, as such general shall provisionally devise and a point; and every inspector, and a sistant inspector, while so employ, shall be entitled to and receive same pay and emoluments, for be

erwise appropriated. 24. And be it enacted. The any non-commissioned officer of private, who has provided kined with a musket or firelock, or the has received one the properly the state, shall appear in the rub at any of said meetings with such musket or firelock, he shall fined a sum not less than one lar, nor more than ten, in the cretion of a company court-me tial; and if such nonecommission officer, or private, shall appear without such musket or firelock serviceable order, he shall for one dollar for every such institutions reasonable excuse be given therefor.

time being so employed, as it h

had been during that time in attal

service, to be paid by the training

of the Western Shore, on the order

of the governor and council; of

any monics in the treasury not of

25. And be it enacted, That commanding officer of caci comp ny shall appoint and dismiss uti pleasure, his non-commissioned cers; and if any personso application, having accepted of such pointment, shall neglect to be during the real. company court-martial.
26. And be it enacted, That

violations of the provisions of law to be submitted to the letter of a company court martial, be enquired into by such martial, at such convenient the said of the said officer ordering the comman appoint, the delinquent slinquents being duly notified a pear before the said court man to answer the charge or charge leged against him or them row tively; and in case any deling being duly notified of the ilas place of meeting of any such commartial, shall refuse or neglect attend, the said court marini authorised and empowered to ceed to the trial of such delimation the same manner as if he

personally present. 27. And be it enacted, That officer removing out of the de or if a field officer or majer ral, or trigadier-general, out a ng case of neglect or refusal, of he division or brigadic-general, on the proceeded against by arrest and be, with an intention of malicular martial, as for disobedience of premanent change of his results shall, on such removal, be the continuance of the present and it shall be the daty of the present of the generals commanding divisions of the present of the present of the daty of the present of the present of the present of the daty of the present of the present of the daty of the present of th superior officer to make such cancy known to the governor council as soon thereafter as [For remainder see Goath

POL LXXIII.

spedive regiments ided that this shall not be bindi

ny civil matter. Ard be it enacted, That if an and give this act and the fpecie

And be it enacted. That no e a commissioned officer in the state unless he shall be a citiz s state uniess he shall be a citized in States, and a resident of this che commissioned officer heread, shall take the several oaths peconstitution of this state, and to their entering on the exercise duties take the for affirmation: "I, A, B, do and the state of the case of the ca (as the case may be) that I wind the late of Maryla

fwill diligently and faithfully in the several duties assigned to of the militia of this s me God;" which oaths sha on the back of the commission And be it enacted, That if any all interrupt, moleft or infult, feldier while on duty at any moleguity of like conduct bef nartial, the commanding officer, hars nor more than one hundre

of a brigade court-martial, in rear hereafter, previous to the dred dollars, nor lefs than te be can make a reasonable excu s be can make a reafonable excu-randing effect of the brigade.
And be it enacted. That it the of the adjutant of each regimer smallon, to attend the regime lion meetings, and execute the commanding effects necessary effect the provisions of this law full or neglect to be subject to sing fifty dollars, at the differ ental court martial.

al court martial. ental court martial.

And be it enacted, That in cursignation, disqualification, of his dikrict of any fubalrers canding officer of the regiment lion, to which such officer may lion, to which such officer may a may appoint a fit and prop brevet officer, and shall im after notify the governor of such brevet officer shall have an e powers incident to his office, ample a manner as if he was could be such a such as the such

And be it enacted. That the any county, shall be exempt tental and battalion meetings I mied and directed, but infre mice and directed, but infer in company; and the 'company; and the 'company; and the 'company; and the 'company; and that also at the Greno, from their difference it was a religious of the barriers; and further as a religious and further as a religious and further as a religious and in the properties of the barriers; and in the many be attached, thall be different in the properties of the barriers and exercise such portions of the fact of the company; may consider too all the company; meetings by this was they first be subject to go not appearing at faid, in would be for not attending, at any long.